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December 22, 1997

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

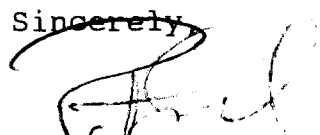
Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Smith Mills, Kentucky)

Dear Ms. Salas:

Transmitted herewith on behalf of Henry G. Lackey is an original and four copies of his Petition for Rule Making seeking the commencement of a proceeding to amend the FM Table of Allotments to allot Channel 233A at Smith Mills, Kentucky as its first local transmission service, pursuant to Section 1.401 of the Commission's Rules.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia
Patricia M. Chuh

Enclosure

Noted
DATE

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. _____
Table of Allotments) RM No. _____
FM Broadcast Stations)
(Smith Mills, Kentucky))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Henry G. Lackey, by his attorneys, pursuant to Section 1.401 of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to allot Channel 233A at Smith Mills, Kentucky, as its first local transmission service. As shown in the attached Technical Report, Channel 233A may be allotted to Smith Mills, Kentucky in full compliance with the Commission's separation requirements. In support whereof, the following is submitted:

1. Henry G. Lackey requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Smith Mills, KY	- - -	233A

2. Smith Mills, Kentucky is a community for allotment purposes with an estimated population of 450 persons (1997 Rand McNally Road Atlas). Communities for allotment purposes are generally defined by the Commission as "geographically identifiable population groupings." See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982). It is sufficient

if the proposed community is either incorporated or listed in the U.S. Census. Id. However, if a proposed community is not incorporated or listed in the U.S. Census, the community may still be considered a community for allotment purposes if the residents of the community regard themselves as a distinct group. This can be shown by subjective indicia such as testimony of local residents or objective indicia, such as existence of political, social, or business organizations. See e.g., Beacon Broadcasting, 2 FCC Rcd 3469, aff'd 2 FCC Rcd 7562 (1987); Semora, North Carolina, 5 FCC Rcd 934 (1990); Kenansville, Florida, 10 FCC Rcd 9831 (1995).

3. Smith Mills, Kentucky is a geographically identifiable population grouping and its residents regard themselves as distinct group. Smith Mills, Kentucky has its own zip code (42457) and post office as well as its own police department and volunteer fire department. Additionally, Smith Mills, Kentucky boasts many civic organizations and commercial businesses, including several that incorporate "Smith Mills" in their name. Some examples are: Smith Mills Volunteer Fire Department; Smith Mills Cemetery; Smith Mills Lions Club; Smith Mills Lioness Club; Shelly's Green House; The Store; and Country Cafe. Smith Mills also has a Baptist Church and a Methodist Church. In addition, Smith Mills hosts an annual Homecoming Parade every August, which draws hundreds of people, and Smith Mills is the birthplace of Grandpa Jones (a Grand Old Opry star). As such, Smith Mills, Kentucky is a community for allotment purposes.

4. The proposed allotment of Channel 233A at Smith Mills, Kentucky will provide 70 dBu coverage over the entire community of Smith Mills and there is no terrain obstruction between the allocation reference point and the community of Smith Mills.^{1/} The proposed allocation will provide Smith Mills with its first local service, providing 60 dBu service to an area of 2,463 square km and serving 43,133 persons (1990 U.S. Census). See attached Technical Report.

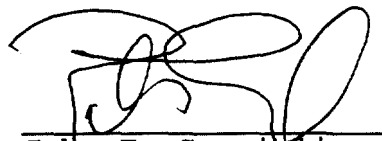
5. Henry G. Lackey hereby certifies that he has a present intention to apply for the new channel when allotted, and when authorized to build the facilities and commence operation promptly.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 233A to Smith Mills, Kentucky.

Respectfully submitted,

HENRY G. LACKEY

By:



John F. Garziglia
Patricia M. Chuh
His Attorneys

PEPPER & CORAZZINI, L.L.P.
1176 K Street, N.W., Suite 200
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(202) 296-0600

Date: December 22, 1997

^{1/} Channel 233A may be allotted to Smith Mills, Kentucky at an arbitrary reference point 14.3 km west at 37-47-26 North Latitude and 87-55-23 West Longitude.

TECHNICAL REPORT

This technical report has been developed on behalf of a petition for rulemaking requesting the assignment of FM channel 233A (94.5 MHZ) as a first local service to the community of Smith Mills, KY.

I. ALLOCATION ANALYSIS

Exhibit E-1 demonstrates that 233A may be assigned to Smith Mills, KY at an arbitrary reference point 14.3 km west at coordinates:

N 37-47-26 W 87-55-23.

This site is in full compliance with Section 73.207 separation requirements. Exhibit E-2 confirms that the proposed 233A allocation will provide a 70 dBu over the entire community of Smith Mills. The Smith Mills community boundaries were obtained from the U.S.G.S 1:250,000 Evansville topographic map. Furthermore, an analysis of the U.S.G.S Evansville sector 1:250,000 topographic map demonstrates that there is no terrain obstruction between the allocation reference point and the community of Smiths Mills.

II. Population and Area Served

The proposed allocation will provide a new FM aural service to an area of 2,463 square kilometers and a population of 43,133 (1990 Census).

III. Summary of Proposal

Community	Present	Proposed	Coordinates
Smith Mills, KY	-----	233A	N 37-47-26 W 87-55-23 (14.3 km west)

The proposed allocation of channel 233A to Smith Mills, KY will provide that community with a first local service, and will provide a new FM aural service to a population of 43,133 within an area of 2,463 square kilometers based on a standard uniform 60 dBu of 28 km for a maximum facility class A.

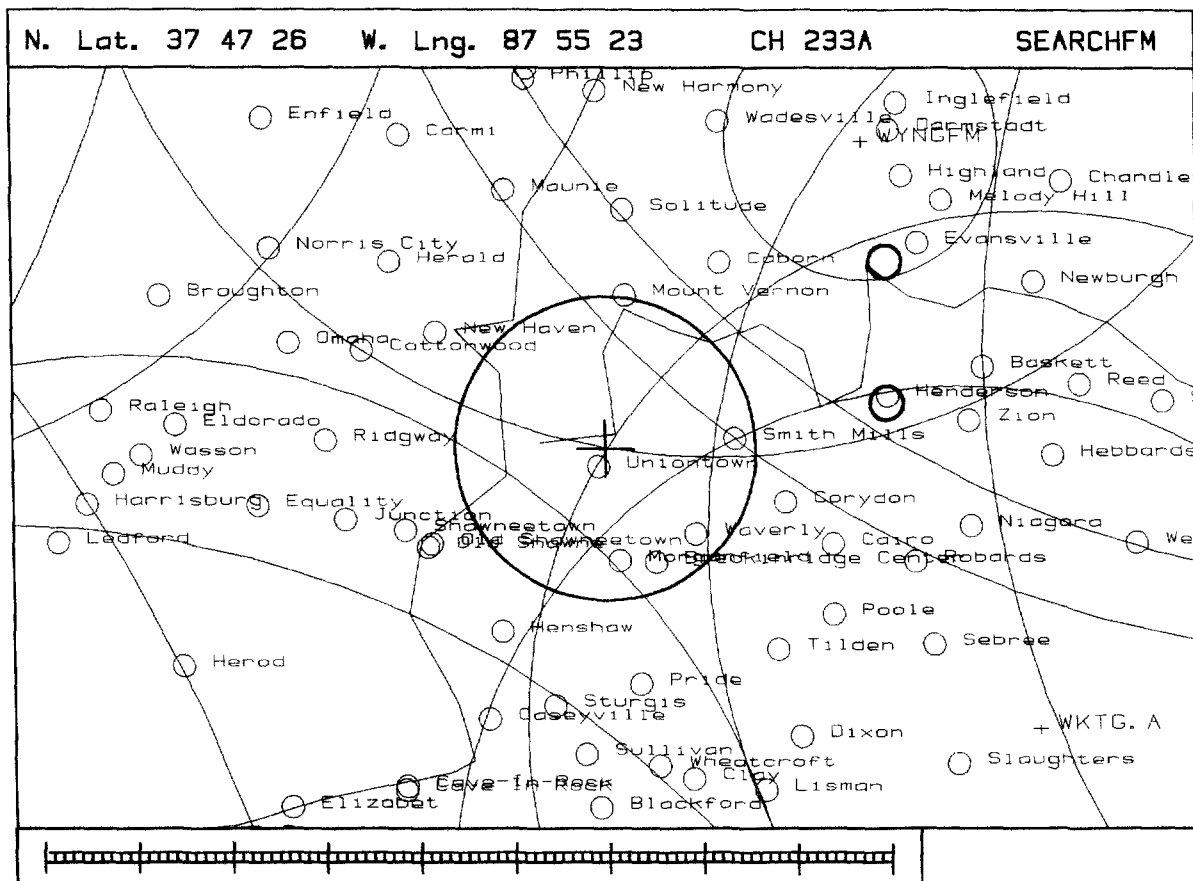
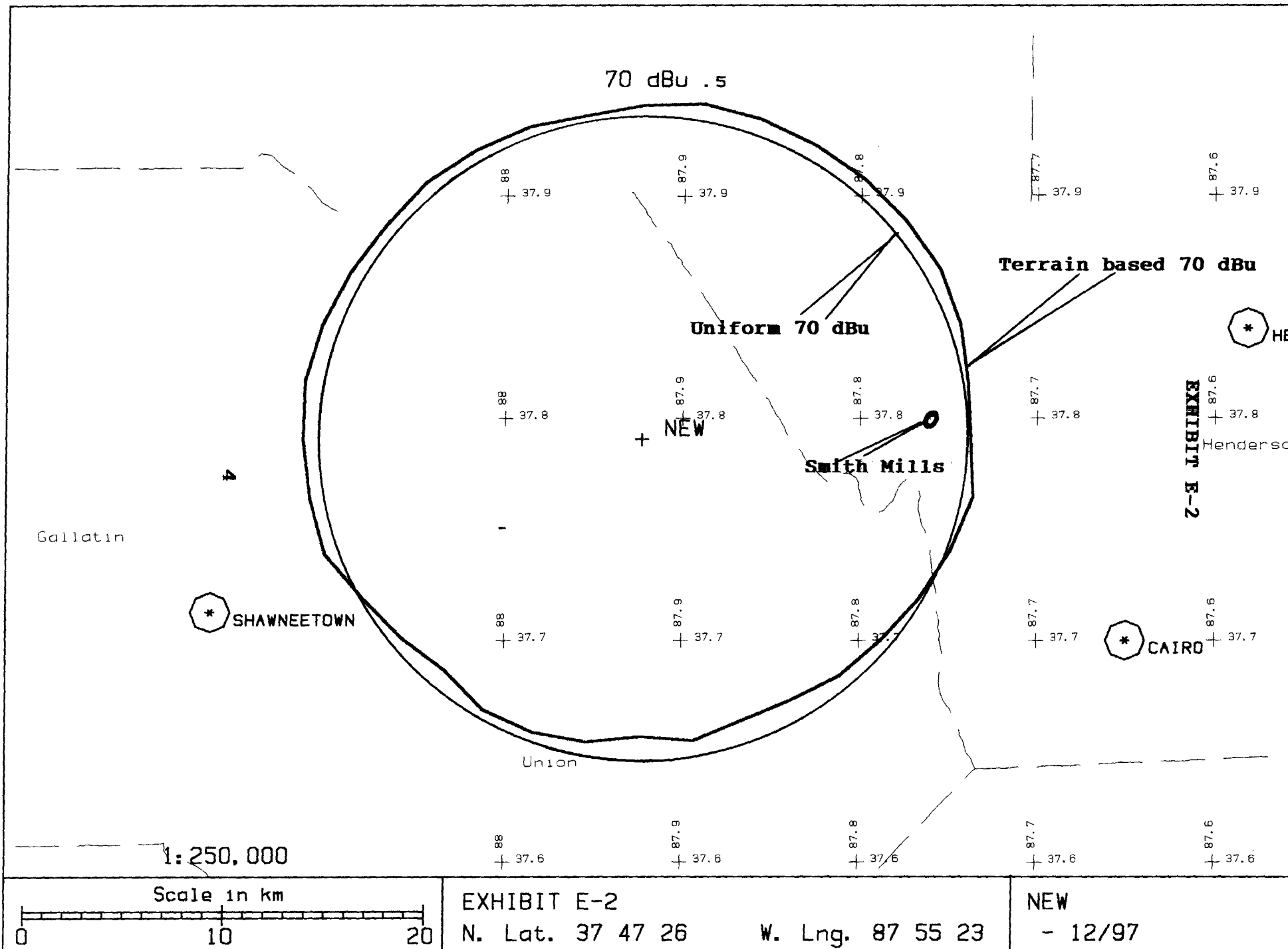


EXHIBIT E-1

Call	CH#	Location		D-KM	Azi	FCC	Margin
WTRIFM	235B	Mount Carmel	IL	68.59	9.8	68.5	0.09
WKTG. A	230C2	Madisonville	KY	54.60	122.8	54.5	0.10
WKTG	230C2	Madisonville	KY	61.00	141.8	54.5	6.50
WDXRFM	232A	Golconda	IL	79.87	219.5	71.5	8.37
WKMD. A	233A	Loogootee	IN	123.98	41.7	114.5	9.48
WBIO	234A	Philpot	KY	82.84	96.9	71.5	11.34
ALOPEN	233A	Loogootee	IN	133.11	41.5	114.5	18.61
WBLN	234C2	Mayfield	KY	130.57	209.6	105.5	25.07
WYNGFM	287B	Evansville	IN	42.29	40.4	14.5	27.79
WMIXFM	231B	Mount Vernon	IL	108.77	306.7	68.5	40.27
WULF	232C2	Hardinsburg	KY	146.00	85.9	105.5	40.50
KKLR	233C1	Poplar Bluff	MO	250.21	243.5	199.5	50.71
WFGZ	233C2	Lobelville	TN	224.85	177.9	165.5	59.35
KSHE	234C	Crestwood	MO	227.69	293.3	164.5	63.19
WXLt	236A	Carterville	IL	97.40	273.2	30.5	66.90
WXLt. A	236B1	Carterville	IL	117.77	266.9	47.5	70.27
ALOPEN	236B1	Carterville	IL	117.77	266.9	47.5	70.27




CERTIFICATION

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/ 

Charles M. Anderson

December 17, 1997

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

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